Preface

To Franklin Delano Roosevelt, President of the United States of America and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supremé Court of the United States—I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this petition for hearing by the Supreme Court of the United States after decision by the Supreme Court of California.

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(b) Article VI (see petition to Supreme Court of California 2nd Civil No. 12645, p. 9 herewith.)

TABLE OF AUTHORITIES CITED

1. Appellant's Rights Flagrantly Disregarded. Appellant's Opening Brief in District Court of Appeal, Civil No. 12645, page 53.
2. Appellant's Opening Brief in District Court of Appeal Civil No. 12645.
3. Appellant's Reply Brief in District Court of Appeal Civil No. 12645.
4. California Law Review, Vol. 26, 1937, 1938, pp. 338-340.
5. Civil Code Section 1485 to 1606.
6. Earl Warren, Attorney General's Letter; Respondent Reply Brief in District Court of Appeal Civil No. 12645, p. 10 and 11.
7. United States Constitution, Article VI.
8. United States Constitution, Amendment XIV.
9. Webster's New Dictionary, Second Edition Unabridged, pp. 31, 854, 2534.
10. Weekly Law Digest, J. Mason Wiegel, Vol. 4, California, 1940, p. 81, Attorney General's Opinions.
11. Welfare and Institutional Code from 1929.
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Petition for Review by the Supreme Court of the United States

CASE NO. { 437600 / 2ND CIVIL 12645 / L. A. 18258

CASE OF COUNTY OF LOS ANGELES,
Plaintiff and Respondent

vs.

GRETTA LAFUENTE, *in Propia Persona*
202 S. Sepulveda Blvd.
West Los Angeles, California
Defendant and Appellant

APPEAL FROM THE SUPREME COURT OF THE STATE OF CALIFORNIA

To Franklin Delano Roosevelt, President of United States of America and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States—I, Gretta Lafuente, citizen of United States, defendant, pray for a writ of certiorari to appeal for the United States Supreme Court to review this case from the judgement of the Supreme Court of California on September 29, 1942, Case was appealed from the lower court decision of Dec. 27, 1938. This decision was affirmed on Dec. 2, 1941, in the District Court of Appeal. The State of California Supreme Court decision on September 29, 1942, affirmed.

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

JURISDICTIONAL STATEMENT

1. To sustain the jurisdiction of the petition herewith presented, please see copy of *United States Constitution, Article VI,* and *Amendment XIV,* on *page* 8, 9, 10 *of Supporting Brief herewith,* also Section 237 (b) Judicial Code (28 U.S.C. Sec. 344), the pertinent provisions applicable to said petition reading:

"(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgement or decree has been rendered or passed by the highest court of the state in which a decision could be had * * * where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to

review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied."

2. The judgement sought to be reviewed by the petition herein was rendered by the Supreme Court of the State of California, September 29, 1942.

3. The decision sought to be reviewed involves the question of equal protection under the laws. In making judgement in this case the Hon. Judge Edward R. Brand of the lower court and Hon. John M. York, Hon. Hartley Shaw, and Hon. Thomas White of the Appellate Court and Phil S. Gibson, Chief Justice, and Associate Justices Frederick W. Houser, John W. Shenk, Jesse W. Curtis, Douglas L. Edwards, Jesse W. Carter and Roger J. Traynor of the Supreme Court of California concerned their considerations and decisions on the parent's right to receive aid. However, this case was directed against *petitioner* (and though in the course of the trial in tracing the history of the law, etc., such matters are referred to for the purpose of making more clear petitioner's position, it is against petitioner this case is directed and it is from petitioner the County of Los Angeles was asking reimbursement for money they had given out without petitioner's consent and even without her knowledge, even though she is under the responsibility to support; the law even specifically stating that adult children's responsibility is that of supporting, not of giving financial aid.

In the tracing of the history of the law, though it was pertinent to consider other related questions, yet the case rests on Appellant's rights, not her parent's rights,

since it is she who is being sued. Therefore, as far as parents' rights, she would not be expected to take it on her shoulders to argue that matter since the Appellate Court and the Supreme Court of California have handed down such a fortunate solution for old people. We should congratulate them for such a victory. So old people's fate we may consider settled by their decision, that is that old people may have a pension whether they have adult children or not. The question is, can this financial cost be shifted to adult children? So now, for goodness sake, since this is the last court of appeal, let us consider this, nor can we consider it without giving consideration to the rights of the adult child. From the first trial in the Superior Court, Appellant has claimed, quoting: "her rights being flagrantly denied" on through the Appellate and Supreme Court. In spite of her appeals, none of the courts have paid any attention to her rights in spite of the fact that she was the one being sued (it cannot be that they believe adult children must do just what they are told in Hitler-ite fashion regardless of the law. It must have been that they were so absorbed in taking care of the old people properly. Now that part is done and done well. The adult children also are a group of citizens also worthy of consideration and *even it is of more importance* that their rights be considered in this trial coming up as they do, *to insure the dignity of all humans, the dignity of the individual.* The adult child is specifically given their responsibility in the law, namely "the responsibility to support" by the State of California Civil Code, Title II, Chap. I, Sec. 206 (quoted verbatim, p. 6, Bk. II herewith and Sec. 2224 Welfare and Inst.

Code of Calif. (see quoted verbatim, p. 2, Bk. I herewith) *the statute* under which this case was begun and which is *invalid* by the decision as it now stands for the Supreme Court wishes to make adult children responsible to give *financial* aid by its decision affirming when the law gives adult children *only the responsibility to support* and financial aid to be forced upon them by law only when they *refuse* their responsibility to support. Support does not mean cash payments. Petitioner has always furnished support and never denied it but even offered it. The lower court findings stated that she had never offered "financial aid"; however, the law obligates her only to support. Also the Appellate Court and the Supreme Court of California affirmed that her offer of support constitutes no defense, yet there never has been a trial directed against Appellant claiming her to be without ability to care for her dependents, she cares for her eighteen year old son; Without proof of her wrongdoing, for the Supreme Court of California says in its findings, quoting: *"For there is no evidence to support the court's finding that the Appellant was not ready, able and willing to support her parents or that she made no offer to support them in adequate living quarters." "Upon this record, therefore, the question is whether a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child in reasonable suitable quarters,"* Appellant is being sued. The Supreme Court should have considered her rights since the law specifically states her responsibility to be

"responsibility to support." If it had meant *financial aid in the form of cash payments* if the parents refused support it would have so stated and anything additional cannot be read into the law because it goes on to provide for forcing children to make cash payments who are unwilling to take their responsibility to support.

This leaves petitioner at loss to understand; has she no rights in the matter? Can the County take her rights without proof of her wrongdoing? Is she to be helpless in the matter, left insecure, without mercy or law to protect her, the authorities using the Old Age Security Law not to protect old people as it is meant, but as a scheme to destroy adult children. Petitioner claims the right *under the United States Constitution, Article VI,* and *Amendment XIV* (see Book I, p. 8, 9 herewith) to be protected with equal rights under the law since her right to *support* her dependents (not make cash payments) must be considered *when asking for reimbursement* from her for money *given,* since she has equal rights of protection under the law *for her rights to be equally considered,* the same as parents' and county's rights are considered, especially since she is the one being sued. Her parents refuse to partake of their support furnished by her their adult child because they get money from the county. There is nothing she can do about it. "The cat comes to the milk, not the milk to the cat." Since the County gives them money (the County, by the way, gave it to them secretly for years before the County notified Appellant, and then the parents refused Appellant. Because they have gotten this money, they continue to refuse) so the County

gives it as a free gift and we have a pension for old people in California paid by the state which is certainly a great deal better than unconstitutional injustice to worthy adult children whom selfish interests are trying to make the goat, and circumstances created for questions to arise in the family which are bound to break the unity of that most sacred institution, the unit of the nation, "Divide it to Conquer." Reimbursement cannot justly be claimed from petitioner for she has done no wrong and cannot be denied her right to furnish support to herself or her own. "A man's home is his castle." Cash payments cannot be forced from her even though it would be convenient for the County of Los Angeles.

Petitioner relies on the United States Constitution, Article VI, and *Amendment XIV*. Also State of California, Civil Code, Title II, Chap. I, Sec. 206; Sec. 2224 Welfare and Institutions Code, State of California, Statute Welfare and Institutions Code in effect August 14, 1929, Chap. 530, p. 914, Sec. I, on which Amendment 1937, Sec. 2224 was formed, California Civil Code Sections 1427, 1485 to 1505, 1496, 1501, 1511, 1512, 1515, 1606, 2004 and 2007. There are no other cases, petitioner's is the first, since, when the collection department threatened her that it would cost her job if she did not pay, she demanded that it be brought to trial. (By the way, she has lost her job, which nearly made it impossible for her to get to the United States Supreme Court.) When it comes to such circumstances that a school teacher can be so threatened, what kind of blackguard schemes are the people as a whole subject to. Such a situation would result in unethical actions

of the public officers where pressures could be brought to bear on them to perjure their souls for their salaries, unjust pressures brought to bear on adult children and disagreements fostered in the homes ending in hard feelings and broken homes. "Divide and Conquer."

4. The decision of the Supreme Court if allowed to stand is contrary to everything our Constitution of United States stands for in regard to protection of individual rights. It leaves a loophole for unscrupulous political maneuvering whereby "interests" can hold government employees at their beck and call, who in turn can play tricks on the people with false pressures to absolutely destroy them. The Constitution of United States is their only protection to keep the people from becoming worms, otherwise at the end of the day after you had worked hard and honestly you could beg to be free from their tricks, as if begging would do any good, for they would have you where they could put their foot on your neck at any time they wished and you would have no rights but to squirm. The people of California are a part of the United States and there is a limit to how much any person can be abused in any state in the United States.

5. The grounds set forth were raised before the California courts at every stage of the proceedings in every way asking that petitioner's rights not be denied her. That was the one question to which all argument was directed. However, although presented fully by briefs and argument from the "Statement of Question Involved" and "Specifications of Errors." through "Argument" and Conclusion, everything but Petitioner's Rights or what gave them the right to deprive her of

her right was considered. They seemed to forget that it takes a considerable process of law to deprive a person of their rights in a democratic country such as our own, especially difficult to deprive them of the right to care for themselves and their own. "A man's home is his kingdom." (See Opin. of Superior Court, Append., Preface herewith given Dec. 27, 1938.) The Superior Court held that Appellant had not offered financial aid, a term originated by that court; the law says responsibility to support, support does not mean cash payments. This first court also claimed Appellant's home inadequate on unproved evidence and brought up for the first time in the rebuttal of the trial after two hours for lunch since in the morning the Plaintiff had been forced to stipulate after the Plaintiff and the Court had questioned Appellant in regard to her furnishing and offering support, that Appellant did furnish support. They stipulated because Appellant had written evidence which gave overwhelming proof and because they wanted to stop the flow of this evidence which was damaging against the County. The trial should have been over then and the Plaintiff was asking the Court for two minutes to close before noon. Thus they attempted to force Appellant to reimburse the County for money which they had already paid out secretly for years and approached Appellant when they had secretly piled up enough that they knew she could not pay it. (See Opin. in full, Append. Preface p.1-21 herewith.) The Appellate Court and Supreme Court of California merely declared a parent could live where they wanted regardless of anything and a child would have to pay for it. They disregarded the fact that the adult child is

obligated to support only and that support does not mean cash payments.

Following are pertinent examples of Petitioner's efforts to maintain her personal rights, (see p. I-P herewith). Transcript of Record, see (Rep. Tr. p. 72, l 16-18 and Rep. Tr. p. 74, l 1-6). By Mrs. Lafuente. Q.: "Did Mr. Huffman threaten my job? A. Yes. Q.: by Mrs. Lafuente: I wrote down at that time Mr. Huffman said: I said, 'Are you threatening my job? You could not touch that.' And he said, 'Oh, yes we could!' Did Mr. Huffman say that and I wrote it down right after we left the office?' "

The Court: "Do you recall that?"
A. by Donald Lafuente: "Yes."

See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, p. 52, 53 and 39. "Appellant's rights were flagrantly disregarded. She was blackmailed for money." "Is it a material issue whether Appellant offered financial aid since she offered support? The law says, "support." "The threads of society must recognize eternal truths in order to hold together: Respect for law and consideration for the rights of others." "When the relief department started collection, if they had anything against Appellant's home they would have said so instead of threatening Appellant's job." (Quoting Appellant's Opening Brief in District Court of Appeal in the Statement of Questions Involved—Preface: "Must an adult child pay a pension to Parents" and in the Specification of Errors, p. 11, "Second: The Court erred in construing the law to mean pay when it says support." Yet the Appellate Court on December 2, 1941 (see Opinion, Appendix,

p. 1-10 herewith) held that to furnish support and offer to so care for one's responsibility to support one's dependent (which support had always been furnished and never denied and even offered when Appellant learned what was going on secretly from her) yet the Court declares such furnishing support constitutes no defense to petitioner but that cash payments can be forced from her in spite of the fact that the law provides for cash payments only from wrongdoers who refuse to support their dependents as the law provides that they should do. In referring to responsibility to dependents the law says responsibility to support—not cash payments. The rights of an individual are entirely overlooked as well as the fact that it takes a considerable process of law to deprive a person of their rights in a democratic country such as our own and ask reimbursement. *See Appellant's Opening Brief to the Supreme Court of California, Second Civil No.* 12645 *on April* 7, 1942, and *Appellant's Reply Brief after Oral Argument L. A. No.* 18258, May 15, 1942, these same briefs herewith also used for Petitioner's Supporting Brief to this petition. Here again the one question being Appellant's rights.

6. The Supreme Court (see Opin. herewith, Append. p. 11-21) affirmed that a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child in reasonable suitable quarters.' The 'responsibility to support' stated by the law being interpreted as 'responsibility to give financial aid,, making the law invalid since support means food, lodging, etc. If the law wanted to force cash payments and make adult children responsible for

financial aid they certainly would not have said, 'responsibility to support.'

Petitioner respectfully submits that this petition and the matters set forth therein are within the jurisdiction of this Court.

Dated: November 23, 1942, Los Angeles, California.

GRETTA LAFUENTE, *Petitioner,*
In Propia Persona.

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

To Franklin Delano Roosevelt, President of United States, and to the Honorable Chief Justice, Harlan Fiske Stone, and the Associate Justices of the Supreme Court of the United States:

The petition of the above named petitioner respectfully shows to this Honorable Court:

I.

Summary and Short Statement of the Matter Involved in this Case:

(See herewith, p. b-1) Jurisdictional Statement and p. 2, 3, 4, 11, 12, 13, 14 of Brief in Support of this petition herewith and Transcript of Record herewith, p. I-P following.

II.

Reasons Relied on for the Issuance of the Writ

(a) The case involves questions of importance which it is to the public interest to have decided by the court of last resort.

(b) The Court's Decision has the effect to deny the validity of the State's statutes, Section 2224 Welfare and Institutional Code; State of Calif., Stats., Chap. 530, p. 914, State of California Civil Code, Title II, Chap. I, Section 206.

(c) The personal rights of an individual are denied.

(d) The necessity of legal proceedings to deny personal rights is made void.

(e) The necessity of proving wrong doing before exacting penalty is denied.

(f) The injustice of taxing an individual secretly for years without trial to show cause is denied.

(g) Personal Rights guaranteed by the Constitution of United States are repugnant to the decision.

(h) Adult children are denied equal rights for their rights to be equally considered under the law with County and Parent's rights.

(i) The Statute is questioned by the exactly opposite interpretations in the Appellate Court by Hon. Hartley Shaw J., and Hon. John M. York J., opposing the views of Thomas P. White J., and also Earl Warren, Attorney General, has an opposing view. In the Supreme Court of California, Phil S. Gibson, Chief Justice; Associate Justices: John W. Shenk, Jesse W. Curtis, Douglas L. Edmonds, Frederick W. Houser, Jesse W. Carter, Roger J. Traynor, again question the

validity of the law which states that adult children are responsible to support but by its decision, the Supreme Court changes that to 'responsibility to give financial aid,' which makes the law invalid. The Court again fails to recognize that the law *specifically states* in Sec. 2224, the Old Age Security Law (Welfare and Institutions Code), that adult children are responsible to support, quoting: 'Their responsibility to support.' Then the County would not be given a cause of action against said relatives unless they had refused their responsibility. In the original 1929 Code, the County refused to aid parents who had adult children, thus forcing the parents themselves to do the suing against children unwilling to accept their legal responsibility. The Court proceeds with considerable discussion of matters not pertinent to the question. Appellant answers that primarily her interest is that *her* rights be observed and then any tracing of the history of the law, etc., that is indulged in ultimately lead to uphold her in this. That by the decisions of the Appellate Court and the Supreme Court of Calif., old people are given the right to accept or reject the support they receive furnished by their adult child, appellant rejoices with them at this victory over sordidness. Their decision has definitely established this right to old people. And it is good. But we go on to be able to rejoice in the dignity of every individual with prejudice or malice toward none. In this trial we must not forget entirely the rights of the adult child either, because of our enthusiasm over the victory for the old people. Now, we must consider the adult children's rights in order to preserve the dignity of all and be prejudiced toward none. For to deny any

group equal rights for their rights to be considered would be decidedly backsliding. So we must start out recognizing the fact that the law says nothing about financial aid being a responsibility of adult children. The Court fails to realize Appellant's argument when showing that the county "secretly" extended aid to her parents from 1934 to the spring of 1937 without her knowledge and prior to any demand upon her to support them, is far from immaterial even though they sued from October, 1937. For it showed some "goings on" here; quite unusual interest, out of the ordinary to have these old people accept old age benefits and particularly impressive when we recall the evidence that the father had torn up their application and nearly thrown out their Mrs. Youngman once and also that after they did contact Appellant after they had been paying for a few years they asked Appellant to sign that she could *not* support her parents. When she refused, they "secretly" *again* paid not one parent only as before, but both parents, telling Appellant when she inquired whether her brother-in-law had begun again to support them in return for care of his wife as he had for ten years previously, that that was confidential information and instructing her in writing to wait for her father to notify her or the Charity Department to notify her of her parents' willingness to come. Then they secretly continued paying this money until they had accumulated a bill of nearly a thousand dollars. When they have "secretly" gotten this bill to a size they feel quite sure Appellant could not pay, then for the first time their collection department lets Appellant know for the first time since they gave her written instruc-

tions to wait, what has been going on again, namely, the paying out of this money secretly and then demand payment or it would cost her job. (By the way, she has lost her job). No, anything that gives light on such doings could not be considered immaterial, also we might look forward to what awaits Appellant if she loses this trial, with inflation's rise in valuation of her home—they can steal that from her even though she has a homestead for the value would rise over the five thousand homestead protection of the United States Government and any five thousand dollars cash she would get by then with inflation prices would be such that she could not buy much and her life's accumulation of a home would be lost to her. A nice opportunity for shark business to be profitable.

To accept their legal old age benefits as enacted in 1929 the old age Security Act (Stats. 1929, Chap. 530, p. 914)—after other specific requirements, requires one must have "no children or other person able to support him and responsible under the law of this state for his support," the statute apparently contemplated that an aged person neglected by a responsible relative should enforce that liability by legal action (Civil Code Sec. 206, see note 26, Cal. L, Rev. 339-340.) The same was true under the amended statute in 1935, pp. 1767-68, Sec. 2. "Aid may be granted . . . to any person who . . . has no relative . . . child . . . responsible under the law of this state for his support.

In the 1937 law you again have the same wording (see 1937 Amend., Sec. 2160f, see Append. p. 16 here), the only change being that if the responsible relative refused to furnish their legal responsibility to support,

then instead of the old people having to enforce their legal rights the County did it for them, considering that it was difficult for old people to sue children unwilling to accept their responsibility to support probably, but we must not at any time lose sight of the fact that in regard to the responsibility of the adult child the wording has remained the same throughout as found in the original statute, 1929, Chap. 530, p. 914, as enacted in 1929, the Old Age Security Act, children "responsible under the law of this state to support" and again repeated in Sec. 2224 the very section under which this case was begun "their responsibility to support." So the Supreme Court of California is presuming too much when they presume that the state legislature meant to drop that clause for not only does it appear twice in its proper place but it IS there and there is no denying it, so the legislature did not have in mind financial aid but support as adult children's responsibility or we can assume it would not be so written in.

(j) The decision of the Court is repugnant in view of consideration of rights of adult children and their right to support (not cash payments) a responsibility under the statute of the complaint.

(k) The rights of the County, the parents, and the adult child are in conflict.

(l) The right of the adult child as a group and as individuals was neglected and the rights of the County and parents privileged.

(m) Adult children are denied equal rights under the law to the County and parents.

(n) Personal rights guaranteed by the United States Constitution and its Amendments are repugnant to

the decision of the Court or the decision of the Court questions the validity of the state's statute, Sec. 2224 Welfare and Institutional Code under which this action was begun, by disregarding the words "support" and "their responsibility to support," in favor of the County and parents.

Statutes: Action based upon a statutory liability placed on defendant pursuant to Sec. 2224 of the Welfare and Institutions Code, see copy, p. 2, supporting brief herewith, some questions:

(a) Can a statute be repugnant to itself? If a person has a liability of responsibility to support and furnishes support and never denies such support, without action stating cause and without proving that that person is incapable of using their rights can their said rights and responsibilities be taken over by the State or County and they forced to reimburse for secret theft of their responsibility for years.

(b) Can personal rights be taken away without due process of law?

(c) Can the Court consider the privileges and rights of one class of people, namely, the County and parents and not consider the privileges and rights of another class of people, namely, adult children.

(d) Can the Court sanction the County taking over a person's rights without first proving that that person is incompetent, incapable or unworthy of exercising those rights.

(e) Can the Court interpret the law to favor one group of people as privileged, namely, old needy people as against another group of people, namely, adult chil-

dren, or must both groups be given equal consideration under the law in view of what the law says.

(f) Can the Court by its decision make invalid the statute under which the action of the case is brought?

(g) Is not a judge bound by the Constitution of the United States Amendment XIV to give equal protection under the law, privileging none?

(h) Are not all judges bound by Article VI of the United States Constitution to observe that Constitution?

(i) Can the Court interpret the law as meaning cash payments when it says support?

(j) Is it not true that a judge is bound to consider all relevant evidence on both sides and from angles fair to both sides, privileging none.

—I—

Transcript of Record Needed by Petitioner

INDEX

(Please note that these index page references sometimes only are more or less helpful but not to be substituted for complete reading.)

I. Case rests on Interpretation of Statute.

(a) Support interpolated by Courts to mean financial aid in form of cash payments, p. J, Appendix, Preface to p. 21.

II. Appellant's Right Denied, p. J-P.

III. Statute under which case commenced, Sec. 2224 Welfare and Institutions Code of California, in petition to Supreme Court 2nd Civil No. 12645, p. 2.

IV. Civil Code of California, Title II, Chap. I, Sec. 206. to Calif. Supreme Court Reply Brief, L. A. 18258, p. 6.

V. Courts decisions, Appendix, preface to p. 21.

VI. Appellant's California Supreme Court Brief, Book I, Preface to p. 21, Book II, p. 1-19.

VII. Written Evidence in Case, p. M-O.

VIII. The Supreme Court of California Upholds Appellant in everything except: (Appendix, p. 11-21)

(a) Court entirely ignores Appellant's United States Consitutional Rights, p. J-M.

(b) Court disregard fact that their decision makes the state law invalid, p. J.

(c) Decisions of Supreme Court of California, p. 11-21.

IX. United States Constitution, p. 8-10.

(a) Amendment XIV (see petition to Supreme Court of California 2nd Civil No. 12645, p. 8 herewith.)

(b) Article VI (see petition to Supreme Court of California 2nd Civil No. 12645, p. 9 herewith.)

Transcript of Record Needed by Petitioner with Interpretation

Since this case rests on the interpretation of Sec. 2224 Welfare and Institutional Code of California in view of petitioner's rights the following is all the record needed by Petitioner:

Statement showing the nature of the case:

It is admitted by Respondent that Appellant did offer to support her parents in her home to her parents and to the Department of Charities (see Rep. Tr. p. 54 l 13-20) (p. 58 l 13-18) (p. 75 l 7-26) (p. 78 l 5-12) (p. 45 l 12-3) (p. 53 l 23-24) (see App. Op. Br. in Appellate Court, p. 26-29) (quoting Opinion in Appellate Court, p. 4, in this regard) *"Since we conclude that a mere offer such as defendant made constitutes no defense to this action."* (See Sup. Court of Calif., decision, Append., p. 11-21, herewith: . . . *"there is no evidence to support the court's finding that the Appellant was not ready, able, and willing to support her parents or that she made no offer to support them in adequate living quarters,"* (yet the Supreme Court by affirming judgement does not consider furnishing support by a responsible relative, Appellant, affecting the liability of Appellant to reimburse the County for aid extended. *Evidenlty the Supreme Court is changing the law thereby making the law invalid* by affirming it necessary for an adult child to take the responsibility to give financial aid when the law says: *"responsibility to support."*

It is not denied that this money was given secretly by the Department of Charities. It is not denied that the money was given the father first since *November* 30, 1934, stopping *April* 1st, 1937, commencing again

October 1st, 1937, from which time Appellant was sued. *The mother's payments came later, commencing February* 1st, 1938 (See Rep. Tr., p. 16 l 1-26) (p. 17 l 1-13) (p 6 l 22-26) (See App. Op. Br. to Apellate Court, p. 33 & 34), and written evidence of petitioner following herewith, p. M-O, which concerns itself only with her father who never testified while the mother spoke of herself. It is not denied that there was no trial set up to take away Appellant's right to support her parents. The state just took over Appellant's rights secretly and began paying money to Appellant's father, November 30, 1934. It is not denied that the first testimony against Appellant's home was in the Respondent's rebuttal in the trial court and the first mention against Appellant's compatibility was in Respondent's Reply Brief in the Apellate Court. In both instances Appellant claims—and the Supreme Court of California upholds her in this—unproved for lack of evidence. Also if they had any objections the time to have made them would have been when they first started paying money secretly and again the second time they began secretly paying money. Also there was not even any sense to their attempted objections to Appellant's compatibility or her home adequacy which the Respondent brought up for the first time the last minute in his rebuttal on trial since it is undenied that Appellant lived in a different house when money was first given, and the parent who testified against her in regard to herself was her mother and she did not receive money until February 1, 1938.

Record in Regard to Collection Department of Los Angeles County Charities efforts to force money from Petitioner, disregarding her rights. (See Rep. Tr. p. 72 l

16-18) (p. 74 l 1-6).

By Mrs. Lafuente. Q.: "Did Mr. Hoffman threaten my job?"

A.: "Yes."

Q.by Mrs. Lafuente: "I wrote down at that time. Mr. Hoffman said—I said: "Are you threatening my job? You could not touch that. And he said, "Oh, yes we could!" Did Mr. Hoffman say that, and I wrote it down right after we left the office?"

The Court: "Do you recall that?"

A. by Donald Lafuente: "Yes."

This is repeated in Appellant's Opening Brief, p. 39, and concludes p. 52 & 53. "Appellant's rights were flagrantly disregarded. She was blackmailed for money." "The threads of society must recognize eternal truths in order to hold together: Respect for law and consideration for the rights of others."

On p. 52: "Is it a material issue whether Appellant offered financial aid since she offered support?"

The law says under Sec. 2224 Welfare and Institutional Code: "pecuniarily able to support."

(See Preface Appellate's Opening Brief, Civil No. 12645 in District Court of Appeal.) "PREFACE: Statement of Questions Involved: Must an adult child pay a pension to parents or may they be supported in the adult child's home? When should an objection to offer be made?"

See Rep. Tr. No. 437600, p. 31 4 & 5 and App. Op. Br. in Appellate Court, p. 22-26 and p. 2 herewith verbatim. Also in full, Sec. 2224 Welfare and Institutions Code, quoting under Amendment 1937 which this case would come under: "If the person receiving aid has within the state an adult child pecuniarily able to

support said person— their *responsibility* to *support* (see App. Op. Br. in Appellate Court, Civil No. 12645, p. 11: "The Court erred in construing the law to mean pay when it says support. Because Appellant can pay in the home it does not mean that she can pay out of the home. The Court erred in construing evidence material which did not prove inadequacy of living quarters offered and in not noticing the tardiness of this objection" p. 33 and 34. "Certainly the reason for giving relief money since November 30, 1934 to April 1, 1937 before Appellant was visited was not because Appellant's home was inadequate for the home hadn't been seen. Appellant was living at that time in the duplex at 234 S. Tower Dr., Beverly Hills (a different house). Yet relief money was given." (See Rep. Tr. p. 16 l 1 to 26; p. 17 l 1-13). "Date payments shall commence (to father only) November 30, 1934." (Repeated in App. Op. Brief in Appellate Court, Civil No. 12645, p. 30-33 and App. Reply Brief, p. 12 and 13.

The Supporting Brief used to this court herewith is the same as the Brief in Petition for Hearing to the Supreme Court of California, 2nd Civil No. 12645 and the Reply Brief, L. A. No. 18258 herewith, Book I & II, in full, with p. 20-22 added.

Following are copies of Appellant's written evidence in this case in addition to what has been given above (see Rep. Tr. p. 47 l 22-26) (p. 48 l 1 and 2). This first is the paper Appellant went up town to get from the Director of the Los Angeles Department of Charities after the first visitor, Mrs. Ackens, insisted that Appellant sign that she could not support her father which Appellant would not sign and went up town and asked

the Director to sign this paper which the Director, Mercy Z. Hutchings, signed.

"April 5, 1937

"Gretta Gray Lafuente was visited on March 23, 1937 for the first time and told for the first time that her father was asking support from the state. She answered all questions freely and frankly. When asked if her father could live with her she agreed. She was instructed her father would be mailed a letter to that effect by the state.

Mercy Z. Hutchings,
Director Ast. Dist. No. 10."

Then the following letter was given Appellant and she was told that one was sent to her father.

"April 2, 1937.

Mr. Parker Gray
5446 Romaine St., Los Angeles, Calif.
Dear Mr. Gray:

After carefully reviewing the Relative Statement of your daughter, Mrs. Gretta Lafuente, the Department feels her income in sufficient to assume her legal responsibility for your support. Therefore, your case will be closed as of April 1st, 1937.

Yours very truly,
Department of Charities
Special Aid Division,
L. C. Schreiber, Asst. Dir.

By Marie Acken, Visitor Bureau of Indigent Relief Adult State Aid No. 10."

The following letter was the last until Mr. Hoffman started collection. Though they had quieted Appellant money continued to be paid.

—O—

"April 7, 1937.

"April 7, 1937. Gretta Gray Lafuente reported today to Department of Charities Special Aid Division Bureau of Indigent Relief at 434 S. San Pedro St., Los Angeles. She reported that she went on April 5th and again with her son on April 7th, 1937 to her father at 5446 Romaine St., Los Angeles, offering her father a home with her. He refused to accept her offer. She was then instructed by the Adult State Aid of the Department of Charities that she should wait for her father to notify her or the State Department to notify her if her father decided to change his mind and come. Also she notified the state department that if they wished to get in touch with her to send her a letter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles.

Mercy Z. Hutchings, Director 10 Asst."

This was especially treacherous to quiet Appellant by the Director signing the above letter, yet to continue giving out money which Appellant was to know about when Mr. Hoffman started collection and threatened Appellant it would cost her job if she did not pay. (See Petitioner's, Transcript of Record, p. L herewith.)

The above record is all that Appellant needs with her two Briefs to the Sup. Court of Calif. herewith, Bk. I & II, to p. 20, since this case rests merely on the interpretation of the statute under which this action was begun, especially considering Appellant's rights as an individual and as an adult child and considering the words in the law. Support does not mean cash payments. The law even specifically states adult children's responsibility is to support and any decision placing

additional responsibility such as financial responsibility without proof of refusal to accept responsibility to support would make the law invalid and deny to Appellant equal rights under the law for her rights to be given equal consideration with the rights of the county the same as parents rights have been successfully considered.

The Supreme Court of California upholds Appellant in everything except it does not pay any attention whatsoever to her United States Constitutional rights and *her claims for those rights receives ABSOLUTELY NO CONSIDERATION,* also the fact that their decision would make the state law invalid receives no consideration. This whole case rests on the fact that support does not mean financial aid in the form of cash payments.

—Q—

PRAECIPE

Petitioner hereby stipulates and notifies Respondent as per Rules of Supreme Court of United States (see Rule 38 paragraph 8) that all matter not essential to a consideration of the questions presented by the petition for the writ should be omitted where it is necessary to print the record since when it is shown that unnecessary parts of the record have been printed although a reasonable effort was made by one of the parties to secure the printing of a proper record such order as to costs may be made to the offending party as the Court may deem proper.

PETITIONER'S CONTENTIONS

Cash payments cannot be forced from petitioner unless it is first proved before the authorities take her responsibility that they have a right to take it. They would have to prove first that she is unworthy of her responsibility before they take it away from her expecting reimbursement. Responsibility to support does not mean to make cash payments. The adult child's rights also must be considered.

RESPONDENT'S CONTENTIONS

Respondent just does not take into consideration the adult child's rights, Appellant's rights. He does not consider the question that responsibility to support does not mean make cash payments and that you cannot read into the law additional requirements especially when responsibility has been specifically stated as to just what responsibility is given an adult child. Also that adult child cannot be punished and forced to give financial assistance unless she refuse to accept her responsibility to support as given her by the law. In 1929 the original law, the parent had to sue unwilling adult children, also under the 1935 Amendment. In the 1937 Amendment the county counsel does it for them, but only in the case the child refuses its responsibility to support as specifically stated in the law.

PETITIONER'S ANSWER TO RESPONDENT'S CONTENTIONS

A person's rights are the most important thing to be considered as they are the basis of our Constitution

as well as the Amendments. Therefore, petitioner's rights are the first rights to be considered since it is being attempted to force money from her without proof of her wrongdoing to the contrary it is distinctly brought out that she had always done her duty having always furnished support, offered it and even offered to do anything to please the authorities and parent's wishes if they would tell her what further they wished her to do other than to make cash payments. She is given the right and responsibility to support by law. It is very easy to settle the problem that the old people want pensions by sitting back and saying, "Let the children be the 'goat'; let them save the taxpayers money by forcing them to pay the pension." But if you happen to be a worthy adult child, to have your rights within the law so loosely handled, don't settle the question so simply in your mind. Though you feel glad to see old people get pensions you do not wish to have some one so glibly determine how to take money away from you in order to save themselves money and the trouble to think things out correctly and properly. In a democracy we are that way; we don't like someone to sit back and consider our individual problems regardless, deciding so easily what they want us to do even if it destroy us to convenience them, especially when we feel sure it wouldn't be possible for them under the same circumstances to do it themselves. That is why we have come to believe in allowing others their Constitutional rights and to feel that our rights should not be taken from us until a trial is set up for that purpose proving there very *positively* and *completely* that we are unworthy of our rights unless there happened to be a very good reason

such as National Safety, that our rights should be suspended temporarily for the good of national welfare. However, there is no such reason for suspending rights in this case. To the contrary for Appellant's rights to be upheld would strengthen morale at a time like this when democracies are fighting that individual rights such as democracies observe be maintained not ruthlessly cast aside, the law considered a scrap of paper, and in addition an attempt made to "Divide to Conquer" a family.

SUMMARY OF ARGUMENT

This case rests merely on the interpretation of the statute under which this action was begun, especially considering Appellant's rights as an individual and as an adult child and considering that in interpretation it is necessary to consider what the words say, support does not mean cash payments. Appellant claims that the County or State had no right to take over her rights to support her dependents and expect reimbursement for the same without first proving before taking over her rights to support her dependents, first that she is incompetent, incapable, or unworthy of her right to her responsibility (*not and expect reimbursement from her, CERTAINLY*). Also she claims that since the law says support that does not mean that cash payments can be forced from her and think of it that is what they are trying to do even after they have given money out secretly for years.

Cash payments could be forced only from children who denied their responsibility and refused to support or who were first proved before their responsibility was taken from them that they were unworthy of their

responsibility because of some proved reason before the State could take family matters into the State's or County's hands and claim reimbursement for the duties they have forcefully and illegally assumed—a job they have stolen—one that does not belong to them by law of man or nature. Appellant has no objection to their gifts if they do not charge her for them.

Elaboration of the essential facts of the case are fully stated in the accompanying Supporting Brief.

(a) Does not a child have a right to a responsibility given under the state law and re-stated in Sec. 2224 Welfare and Institutions Code, statute under which this action is brought until an action is set up and affirmed after a proper hearing for that person to deny said adult child of the right to said responsibility before the state can take over said child's responsibility and expect reimbursement *or are we slaves of the state and without rights?*

(b) Have not the group of people who are adult children as much a reason to have their rights considered as have the County and the parents under the Fourteenth Amendment of the United States which guarantees equal protection under the law? Can the law be interpreted to grant rights under the law to one group and disregard the rights of another group even when they are specifically stated in that same statute.

(c) Are not judges bound by Article VI of the United States Constitution to observe that Constitution and to give everyone equal protection under the law by the Fourteenth Amendment of the United States Constitution?

—V—

Is this tricky legislation repugnant to the Constitution of the United States and its Amendments, or is it the wrong interpretation of the law? We are sending soldiers to protect human rights. In the meantime, are we to rob them of their most fundamental rights, the right to care for themselves and their own and the personal rights of equal protection under the law? When they come back to have a home, are they to find that they must keep up, not one home, but two homes, a separate one for their parents; to find that they must pay a pension to their parents; to find that they have been sold out and that their position is not with more security but less or rather that they have no security left, for when their personal rights are taken from them as they are when they are not given equal consideration under the law they have no rights left except to work as slaves to the State which may divide them from their family to conquer them: "Divide and Conquer." Or, because the Plaintiff was afraid also of public opinion in regard to old people's pensions and therefore wanted to pay them a pension at some other's expense (shown by the fact that the First Visitor, Mrs. Ackens, from their Department of Charities wished Appellant to sign that she could not support her parents is no concern of Appellant's. That does not give them a right to deny Appellant her right under the state law and this statute: to support her responsibility (not cash payments) nor to give them the right to take over her rights without due process of law, and demand that she reimburse them for their gifts.

Since the Public Interests will be promoted by prompt settlement in this court of the question involved —Wherefore, your petitioner, respectfully prays that

a writ of certiorari be issued out of this Honorable Court, directed to the Supreme Court of the State of California for the Supreme Court of United States to review this case on this petition and accompanying Supporting Brief, case entitled: County of Los Angeles, Plaintiff and Respondent, vs. Gretta Lafuente *in propia persona,* Defendant and Appellant, No. 18258 and that the judgement decree of said Supreme Court of California in said cause be reversed by this Honorable Court and that your petitioner have such other and further relief as to this Honorable Court may seem meet and the nature of the case require, and so your petitioner will ever pray.

Dated: Los Angeles, California, November 26, 1942.

GRETTA LAFUENTE, *in propia persona*